

ESTTA Tracking number:

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Filing date:

05/19/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	78896238
Applicant	Valiant Entertainment Inc.
Correspondence Address	Timothy D. Pecsénye Blank Rome LLP 9th FloorOne Logan Square Philadelphia, PA 19103 UNITED STATES pecsenye@blankrome.com
Submission	Motion to Dismiss Appeal as Moot Due to Cancellation of Cited Registration and Restore Jurisdiction to Examining Attorney
Attachments	Troublemakers - motion to dismiss as moot.pdf (5 pages)(164125 bytes)
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Signature	/ajl/
Date	05/19/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

APPLICANT: Valiant Entertainment, Inc.

SERIAL NO.: 78/896,238

TRADEMARK: TROUBLEMAKERS

FILING DATE: May 30, 2006

CLASS: 16

To: Hon. Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

**MOTION TO DISMISS APPEAL AS MOOT DUE TO CANCELLATION OF CITED
REGISTRATION AND RESTORE JURISDICTION TO EXAMINING ATTORNEY**

Applicant, Valiant Entertainment, Inc., by and through its attorneys, hereby respectfully requests that the Trademark Trial and Appeal Board dismiss this appeal as moot pursuant to Trademark Trial and Appeal Board Manual of Procedure ("TBMP") Section 1212 and restore jurisdiction to the Examining Attorney for approval for publication of Applicant's mark.

On May 10, 2007, Examining Attorney Bulloff issued a Final Refusal with respect to Applicant's U.S. Trademark Application for the mark TROUBLEMAKERS, Ser. No. 78/896,238, refusing registration of Applicant's mark under Section 2(d) of the Lanham Act in light of Reg. No. 2,034,229. On November 1, 2007, Applicant filed a Request for Reconsideration and initiated the present ex parte appeal of the Examining Attorney's refusal. On

November 13, 2007, the Examining Attorney denied Applicant's Request for Reconsideration. The only outstanding issue with respect to Applicant's App. Ser. No. 78/896,238, and hereto on appeal before the Board, is the Section 2(d) refusal in light of Reg. No. 2,034,229. Since Reg. No. 2,034,229 has cancelled pursuant to Section 8 of the Lanham Act this appeal has now become moot. See attached printout from TARR.

As the Section 2(d) refusal was the only issue involved in the subject appeal and the cited registration has cancelled under Section 8 of the Lanham Act, this appeal is rendered moot. Therefore, Applicant respectfully requests that the Board dismiss the appeal as moot pursuant to Section 1212 of the TBMP and restore jurisdiction to the Examining Attorney for approval for publication of the subject application.

Respectfully submitted,

VALIANT ENTERTAINMENT, INC.

Dated: MAY 19, 2008

By: 

Timothy D. Pecsénye
Alain J. Lapter
Its Attorneys

BLANK ROME LLP
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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-05-19 15:56:41 ET

Serial Number: 74598101 Assignment Information Trademark Document Retrieval

Registration Number: 2034229

Mark (words only): TROUBLE MAKER

Standard Character claim: No

Current Status: Registration canceled under Section 8.

Date of Status: 2007-11-03

Filing Date: 1994-11-14

Transformed into a National Application: No

Registration Date: 1997-01-28

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2006-12-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. PLAYING MANTIS, INC.

Address:

PLAYING MANTIS, INC.
3600 MCGILL STREET, SUITE 300
SOUTH BEND, IN 46628
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Indiana

GOODS AND/OR SERVICES

International Class: 028

Class Status: Section 8 - Cancelled

toys, namely die cast or plastic miniature vehicles

Basis: 1(a)

First Use Date: 1994-11-10

First Use in Commerce Date: 1995-01-15

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-11-03 - Canceled Section 8 (10-year)/Expired Section 9

2006-12-27 - Case File In TICSRS

2003-04-24 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-01-28 - Section 8 (6-year) and Section 15 Filed

2003-01-28 - Section 15 affidavit received

2003-01-28 - TEAS Section 8 & 15 Received

2002-08-02 - PAPER RECEIVED

1997-01-28 - Registered - Principal Register

1996-12-07 - Allowed for Registration - Principal Register (SOU accepted)

1996-10-23 - Communication received from applicant

1996-09-11 - Unresponsive/Duplicate Paper Received

1996-08-05 - Non-final action mailed

1996-07-25 - Statement of use processing complete

1996-04-26 - Amendment to Use filed

1995-10-31 - Notice of allowance - mailed

1995-08-08 - Published for opposition

1995-07-07 - Notice of publication

1995-04-26 - Approved for Pub - Principal Register (Initial exam)

1995-04-18 - Examiner's amendment mailed

1995-04-01 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

GERARD T. GALLAGHER

Correspondent

GERARD T. GALLAGHER

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